

SECOND REGULAR SESSION

HOUSE BILL NO. 1357

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RELFORD AND MAYS (50) (Co-sponsors).

Pre-filed January 2, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2454L.011

AN ACT

To amend chapter 253, RSMo, by adding thereto one new section relating to municipal historic preservation revolving funds.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 253, RSMo, is amended by adding thereto one new section, to be
2 known as section 253.395, to read as follows:

253.395. 1. As used in this section, the following terms mean:

2 **(1) "Historic properties" or "property", any building, structure, district, area, or**
3 **site within a municipality's boundaries that is significant in the history, architecture,**
4 **archaeology, or culture of this state, its communities, or this country, which is eligible for**
5 **nomination to the National Register of Historic Places;**

6 **(2) "Municipality", any town, city, or village that has by ordinance established a**
7 **historic preservation revolving fund as authorized by this section.**

8 **2. Any town, city, or village in the state of Missouri may by ordinance establish a**
9 **fund for the purpose of protecting and preserving historic properties, such fund to be**
10 **known as the "Historic Preservation Revolving Fund". All expenses incurred in the**
11 **acquisition of and all revenues received from the disposition of property as provided in**
12 **subsections 3 and 4 of this section shall be paid for out of and deposited in the historic**
13 **preservation revolving fund. Any moneys appropriated and any other moneys made**
14 **available by gift, grant, bequest, contribution, or otherwise to carry out the purpose of this**
15 **section, and all interest earned on, and income generated from, moneys in the fund shall**
16 **be paid to, and deposited in, the historic preservation revolving fund.**

17 **3. From the moneys in the historic preservation revolving fund, such municipality**
18 **may acquire, preserve, restore, hold, maintain, or operate any historic properties, together**

19 with such adjacent or associated lands within the municipality's boundaries as may be
20 necessary for their protection, preservation, maintenance, or operation. Any interest in
21 property acquired using the moneys in the historic preservation revolving fund shall be
22 limited to that estate, agency, interest, or term deemed by such municipality to be
23 reasonably necessary for the continued protection or preservation of the property. The
24 moneys in this fund may be used to acquire the fee simple title, but where such
25 municipality finds that a lesser interest, including any development right, negative or
26 affirmative easement in gross or appurtenant covenant, lease or other contractual right of
27 or to any real property to be the most practical and economical method of protecting and
28 preserving historical property, the lesser interest may be acquired. Property may be
29 acquired by gift, grant, bequest, devise, lease, purchase, or otherwise, but not by
30 condemnation.

31 **4.** Such municipality may acquire or, in the case of property on which moneys from
32 this fund have been expended, dispose of the fee or lesser interest to any historic property,
33 including adjacent and associated lands, for the specific purpose of conveying or leasing
34 the property back to its original owner or to any such other person, firm, association,
35 corporation, or other organization under such covenants, deed restrictions, lease, or other
36 contractual arrangements as will limit the future use of the property in such a way as to
37 insure its preservation. In all cases where property on which money from this fund has
38 been expended is conveyed or leased, it shall be subjected by covenant or otherwise to such
39 rights of access, public visitation, and other conditions as may be agreed upon between the
40 municipality and the grantee or lessee to operate, maintain, restore, or repair such
41 property. Any conveyance or lease shall contain a reversion clause providing that, in the
42 event the historic property is not operated, maintained, restored, and repaired in
43 accordance with the provisions of this section or in such a way as to insure its preservation,
44 title, and control of such property shall immediately revert to and vest in the municipality.